

**FILED**

**Dec 30, 2002**

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF

**Administrative Action**

*Andrew Carrabba, M.D.*

FINAL ORDER  
OF DISCIPLINE

TO PRACTICE MEDICINE AND SURGERY  
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Medical Examiners upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent, Andrew Carrabba, M.D., License Number MA 44994, is a physician licensed in the State of New Jersey. Respondent's New Jersey license, is currently expired.

2. Respondent was licensed to practice medicine and surgery in the State of Connecticut from October 24, 1984 to November 4, 2000. In October 2000, Respondent voluntarily surrendered his license to practice medicine and surgery to the State of Connecticut Department of Public Health. (A copy of the Licensure Verification sent from the State of Connecticut Department of Health is attached).

**CERTIFIED TRUE COPY**

2. On May 30, 2000, in Hartford, Connecticut, Respondent pled guilty to first-degree manslaughter in the strangulation death of his wife. This plea resulted from Respondent's arrest for murder and tampering with physical evidence after Respondent told investigators that he strangled his wife during a heated argument in March of 1999. (A certified copy of the court disposition record is attached).

3. On August 11, 2000, Respondent was sentenced to a term of eighteen (18) years in prison for the murder of his wife.

#### CONCLUSIONS OF LAW

1. The above guilty plea to a first degree manslaughter charge provides grounds to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(f) in that Respondent has been convicted of a crime or offense involving moral turpitude and relating adversely to the activity regulated by the Board.

2. The voluntary surrender of his Connecticut license is tantamount to a revocation of licensure.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline revoking respondent's license to practice medicine and surgery in the State of New Jersey was entered on January 28, 2002 and a copy was forwarded to respondent at the last known address on file with the Board. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a


modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Although the record reflects that the Provisional Order was served upon respondent, no response has been received to date. Accordingly, the Board considered the matter, determined that further proceedings were not necessary and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 30th day of Dec 2002, ORDERED that:

1. Respondent's New Jersey license is revoked beginning on the day this Order becomes final.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

  
By: \_\_\_\_\_  
William V. Harrer, M.D., B.L.D.  
Board President

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE  
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE  
HAS BEEN ACCEPTED**

**APPROVED BY THE BOARD ON MAY 10, 2000**

The licensee shall cease and desist from engaging in the practice of medicine in this State.

period  
at the

A licensee whose license has been revoked, suspended for one (1) year or **more** or **permanently** surrendered **must remove signs** and **take affirmative** action to stop **advertisements** by which his/her eligibility to practice **is** represented. The licensee must **also** take steps to remove his/her **name** from professional listings, telephone directories, professional **stationery**, or **billings**. If the licensee's **name is utilized** in a group practice **title**, it shall be **deleted**. Prescription pads bearing the **licensee's name shall be** destroyed. A **destruction** report form obtained from the **Office of Drug Control (973-504-6558)** must be filed. If no other licensee is **providing services** at the location, all medications must be **removed** and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license **has been suspended for less than one year**, prescription pads and medications need not be destroyed but **must be secured in a locked place for safekeeping.**)

### **3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies**

A licensee shall not charge, receive or share in **any** fee for professional **services** rendered by him/herself or others while barred from **engaging in** the professional practice. The licensee **may be** compensated for **the** reasonable value of services lawfully rendered and **disbursements** incurred on a patient's behalf prior to the effective **date of the Board action.**

A licensee who **is** a shareholder in a professional **service** corporation organized to engage in the professional practice, whose **license is revoked**, surrendered or suspended **for a term of one (1) year or more** shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional **service corporation** pursuant to N.J.S.A. 14A:17-13(c). A **licensee who is a member of a limited liability company organized** pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture shall occur within 90 days following the the entry of the Order rendering the licensee disqualified to participate in the applicable form of ownership. **Upon** divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the **Secretary of State, Commercial Reporting Division**, demonstrating that the interest has **been** terminated. If the licensee **is** the **sole** shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

### **4. Medical Records**

If, as a result of the Board's action, a practice is closed or transferred to another location, **the licensee** shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office **premises**, advising where records **may** be obtained. The **message** should inform patients of the names and telephone numbers of **the** licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated **by** means of a notice to be published at least once per month for three (3) months in a newspaper of

general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with **the Board** the name and telephone number of the contact person who **will have** access to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to **the Board**. When a patient or his/her representative requests a copy of his/her medical record or asks that record be forwarded to another health care provider, the licensee shall promptly provide the record **without** charge to the patient.

## 5. Probation/Monitoring Conditions

With respect to any licensee who ~~is~~ the subject of any Order imposing a probation or monitoring requirement or a **stay of an active suspension, in whole or in part**, which ~~is~~ conditioned upon compliance with a probation or monitoring requirement, the licensee shall fully cooperate with the Board and **its designated** representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring **shall be** at the expense of the disciplined practitioner.

(a) Monitoring of practice conditions **may** include, but is not limited to, inspection of the professional premises and equipment, and **inspection and copying** of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law **from any treatment facility**, other treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by a **rehabilitation** program for impaired practitioners. **If bodily** substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and providing the designated sample.

## ADDENDUM

Any licensee who is the subject of an order of the Board suspending, revoking or otherwise conditioning the license, shall provide the following information at the time that the order is signed, if it is entered by consent, or immediately after service of a fully executed order entered after a hearing. The information required here is necessary for the Board to fulfill its reporting obligations:

Social Security Number<sup>1</sup>: \_\_\_\_\_

List the Name and Address of any and all Health Care Facilities with which you are affiliated:


List the Names and Address of any and all Health Maintenance Organizations with which you are affiliated:


Provide the names and addresses of every person with whom you are associated in your professional practice: (You may attach a blank sheet of stationery bearing this information).

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<sup>1</sup> Pursuant to 45 CFR Subtitle A Section 61.7 and 45 CFR Subtitle A Section 60.8, the Board is required to obtain your Social Security Number and/or federal taxpayer identification number in order to discharge its responsibility to report adverse actions to the National Practitioner Data Bank and the HIP Data Bank.



**NOTICE OF REPORTING PRACTICES OF BOARD**  
**REGARDING DISCIPLINARY ACTIONS**

Pursuant to **N.J.S.A. 52:14B-3(3)**, all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to **N.J.S.A. 45:9-19.13**, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.